

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
TENNESSEE, AT KNOXVILLE

TINA MULLINAX;  
BRIAN MULLINAX; and  
ROBIN SUTTON;

Plaintiffs;

v.

SEVIER COUNTY,  
SEVIER COUNTY AMBULANCE SERVICE;  
MICHAEL O'CONNOR, EMT IV;  
BLAKE GREGG;  
TODD SPENCE;  
JUSTIN JOHNSON, SCSO;  
SCSO CORPORAL BART TYNER;  
SCSO DEPUTY JESSICA SAVARESE;  
SCSO DEPUTY MICHAEL PHIPPS;  
SCSO DEPUTY WATTS;  
SCSO INVESTIGATOR JOHNNY BOHANON;  
SCSO SERGEANT WAYNE PATTERSON;

Defendants.

No: 3:18-cv-00002

**COPY**

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**BRIAN MULLINAX'S RESPONSE TO DEFENDANTS' FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

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Now Comes Plaintiff, Brian Mullinax, by and through counsel, and answers Defendants'  
First Set of Interrogatories and Request for Production of Documents as follows.



answers this Interrogatory as follows: Plaintiff is in the process of applying for disability. Plaintiff is unable to return to work due to post traumatic stress disorder sustained as a result of Defendant Johnson and O'Connor's unreasonably threatening conduct and violent use of deadly force.

5. Please state in detail with specificity, all facts and events witnessed by you leading up to and including the occurrence of which you complain of herein, including all facts and events witnessed or known by you on the part of these Defendants which you claim constitute the wrongful conduct which you allege.

**Response:** Subject to and without waiving any responses and objections, Plaintiff answers this Interrogatory as follows:

- a. In addition to the following statement, please refer to the facts set forth in Plaintiff's Complaint, as well as the body cam video of Officer Justin Johnson submitted in response to Request for Production 1. On the day of the incident, Brian and Tina Mullinax were at the residence of Robin Sutton located at 796 Sharp Road. That morning Brian opened the back door of the trailer to discover his wife, Tina, being held down by two paramedics. Brian then saw Sevier County Sheriff's Officer Justin Johnson take three or four steps forward before dropping his knee into the back of Tina Mullinax. Brian instinctively grabbed his cell phone and, in an attempt to stop the abuse of his beloved, announced that he was videotaping the assault. Officer Johnson then immediately turned and took aim at Brian and discharged his weapon approximately three times in the direction of Brian and his mother-in-law (Robin Sutton). Brian again

yelled that he was videotaping the incident, and again Officer Johnson responded by taking aim at Brian; this time discharging approximately four more rounds in the direction of Brian and Ms. Sutton. Plaintiff went inside the doorway to prevent from being hit by Defendant's barrage of bullets. When Defendant stopped shooting at Plaintiff, Plaintiff walked back out of the doorway with his hands up and obeyed all of Defendant's commands. Defendants Johnson and O'Conner ordered Brian to get on the ground, and fearing that he could be shot at any moment, Brian immediately complied. Defendants then commanded Plaintiff to drop his phone, yelling at him to "drop that fucking thing[!]" and Plaintiff complied. Defendant Michael O'Conner who was holding Tina down, shoved her face in the ground and at one point placed his hand down her pants. After Brian was down on the ground Tina began to yell at Officer Johnson that he had "fucked up," and under the stress of the situation Tina uncharacteristically shouted a racial epithet at Officer Johnson. Brian then observed that when Tina tried to raise her head up, Officer Johnson kicked her in the head with his boot. Shortly thereafter Brian observed as Officer Johnson suffered from an apparent panic attack during the course of which Officer Johnson had to be physically disarmed by EMT, Michael O'Conner. No sooner had he wrestled the gun from Johnson, when EMT O'Conner immediately abandoned his duty to provide medical care, in favor of the opportunity to commit aggravated assault and point a loaded weapon at an unarmed and cooperative Brian Mullinax. Michael

O'Conner then gave the gun back to Officer Johnson while Johnson was clearly still trembling and in a state of emotional instability. Although plenty of law enforcement personnel were present, Brian was placed in handcuffs by Michael O'Conner, an EMT. Plaintiffs Brian and Tina Mullinax were arrested on knowingly false charges of aggravated assault in an attempt on part of all defendants to silence the Mullinaxes and cover-up the incident. Brian and Tina then spent approximately forty days in jail on the false allegations.

6. Please give the name, complete address and telephone number of every person who may have witnessed any of the facts of wrongful conduct alleged by you and give a summary of all facts known to or events witnessed by each witness.

**Response: Subject to and without waiving any responses and objections, Plaintiff answers this Interrogatory as follows:**

- a. Name: Gary Humphrey
- b. Address: 2875 Cedar Bluff Road, Sevierville, TN 37876
- c. Phone: 865-206-9052
- d. Description: he is an eye witness to the events described in the Complaint

- \* 7. Please describe in detail and with specificity all injuries and damages which you allege to have been incurred by you as a proximate result of the acts which you complaint herein. \*

**Response: Subject to and without waiving any responses and objections, Plaintiff answers this Interrogatory as follows:**

- a. Please refer to the complaint and the response to Interrogatory 5.
8. Please give the name and complete office address of every doctor, hospital, or other health-

VERIFICATION OF ANSWERS

STATE OF TENNESSEE    )  
  )  
COUNTY OF KNOX        )

Personally appeared before me, the undersigned authority, the within named Plaintiff, Brian Mullinax, and made oath that the answers to the foregoing Interrogatories are true and correct to the best of his information, knowledge, and belief.

This 15<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
BRIAN MULLINAX

Sworn and Subscribed before me this 15<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Notary Public

My Commission Expires August 31, 2019

My commission expires: 8/31/2019

